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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-00842 RMW
)	
Plaintiff,)	STIPULATION AND []
v.)	ORDER RESCHEDULING THE MARCH
)	2, 2009 STATUS HEARING AND
DAVID CABALLERO-MENDEZ,)	EXCLUDING TIME FROM THE SPEEDY
)	TRIAL ACT CALCULATION (18 U.S.C.
Defendant.)	§§ 3161(h)(8)(A), (B))

The parties are currently scheduled to appear before this Court on March 2, 2009 at 9:00 a.m. for a status hearing. On December 22, 2008 the Court granted defendant's Motion to Determine Mental Competency. As of the date of this stipulation, the Bureau of Prisons has not completed its examination of the defendant or submitted its report to the Court. Therefore, in the interests of judicial economy, the government and defense request a continuance of the March 2, 2009 hearing to April 6, at 9:00 a.m. (or other date convenient for the Court) and an exclusion of time under the Speedy Trial Act.

The parties stipulate that the time between March 2, 2009 and the new hearing date is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, and agree that the failure to grant the requested continuance would unreasonably deny the defendant reasonable time necessary for

1 effective preparation. The parties further agree that the ends of justice served by granting the
2 requested continuance outweigh the best interests of the public and the defendant in a speedy trial
3 and in the prompt disposition of criminal cases. 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).
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5 DATED: February 24, 2009

JOSEPH P. RUSSONIELLO
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Assistant United States Attorney

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MANUEL A. ARAUJO
Assistant Federal Public Defender

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ORDER

Based upon the representation of counsel and for good cause shown, the Court finds that in the interest of judicial economy the March 2, 2009 status hearing in the above-entitled matter be rescheduled to April 6, 2009 at 9:00 a.m., and that failing to exclude the time between March 2, 2009 and April 6, 2009 would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court further finds that the ends of justice served by excluding the time between March 2, 2009 and April 6, 2009 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the March 2, 2009 status hearing in the above-entitled matter be rescheduled to April 6, 2009 at 9:00 a.m. and that the time between March 2, 2009 and April 6, 2009 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

DATED: 3/6/09


RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE